

Hon. James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RICHARD J. FULTON,

Plaintiff,

vs.

LIVINGSTON FINANCIAL, LLC, and
NELSON & KENNARD,

Defendants.

No. 15-00574

DECLARATION OF JOHN P. RYAN
IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR AWARD OF
ATTORNEY'S FEES AND COSTS

John P. Ryan declares as follows:

1. I certify that I am counsel for the Defendant. I also certify that I am of legal age and competent to testify to the matters contained herein. If called to do so, I would testify to their truthfulness. I have personal knowledge of the facts contained in this declaration unless otherwise qualified or stated.

2. Prior to my involvement, Plaintiff provided an initial demand of \$115,000 to Robert Scott Kennard on May 23, 2015.

3. Thereafter, Defendants provided Plaintiff with two offers of judgment. The first offer of judgment was made in July of 2015 for \$2,000 plus reasonable fees and costs. The second offer of judgment was made in August of 2015 for \$5,000 plus reasonable fees and costs.

DECLARATION OF JOHN P. RYAN IN SUPPORT
DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR AN AWARD OF ATTORNEY'S FEES
AND COSTS

HINSHAW & CULBERTSON LLP
222 NORTH LASALLE STREET
SUITE 300
CHICAGO, IL 60601-1081
Main: 312-704-3000
Fax: 312-704-3001

1 4. Plaintiff lowered his demand to \$65,000 in October of 2015 and Defendants
2 responded by offering Plaintiff \$10,000 to resolve this matter.

3 5. Plaintiff eventually lowered his demand to \$59,000 on October 21, 2015.
4 Defendants' Counsel requested that Plaintiff's Counsel provide a breakdown of Plaintiff's
5 demand between damages and attorney's fees/costs on October 30, 2015. Plaintiff responded
6 on October 30, 2015, and refused to provide such a break-down, because Plaintiff believed that
7 Defendants might use the information to make an offer of judgment.

8 6. Had Plaintiff made reasonable demands at the outset or been willing apportion
9 his demand between fees/costs and damages, the matter likely could have been resolved
10 without most of the litigation for which Plaintiff now seeks attorneys' fees.

11 7. According to Plaintiff's counsel's billing records he only had 24.8 hours billed
12 up through October 21, 2015. Further, he only had a total of 37.4 hours billed up through
13 October 30, 2015. At a rate of \$250 per hour, 24.8 hours equals \$6,200 and 37.4 hours is
14 equivalent to \$9,350.

15 I certify under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct, to the best of my knowledge.

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18 Executed this 9th day of May, 2016 in Chicago, IL.

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21 By: 

John P. Ryan

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25 DECLARATION OF JOHN P. RYAN IN SUPPORT
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